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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,467	09/04/2001	Harold F. Hynes		3259

7590 07/11/2003
Harold F. Hynes
109 S. 5th St.
Atwood, KS 67730

EXAMINER

PASS, NATALIE

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/945,467

Applicant(s)

HYNES, HAROLD F.

Examiner

Natalie A. Pass

Art Unit

3626

All participants (applicant, applicant's representative, PTO personnel):

(1) Natalie A. Pass.

(3) Harold F. Hynes.

(2) Joseph Thomas.

(4) _____.

Date of Interview: 12 June 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: none.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

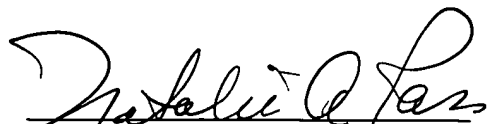
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussion revolved around the Agenda of concerns that Mr. Hynes had faxed with regards to the Final Rejection Office Action mailed 09 May 2003.

Discussions of the difference between the terms "anticipated" and "obvious" was followed with a recommendation to Mr. Hynes that it was necessary for him to point out the differences between his specific claims 17 -30 and the specific passages in the applied prior art in order to distinguish his claimed invention from what is revealed in prior art, as it is the claims of an Application which set the boundaries of an invention.

This discussion was followed by a discussion of the "new matter" objection that formed part of the Final Rejection Office Action of 09 May 2003. It was pointed out to Mr. Hynes that "new matter" means matter not disclosed in his originally filed invention of 04 September 2001, and that it was not only the terminology of claims 17-30 that was being considered as new matter, but the concepts as well. Mr. Hynes was invited to clarify this by pointing out where support for the new matter language and concepts expressed in claims 17-30 lay in the original Specification. It was pointed out to Mr. Hynes that the subject matter disclosed is as of the original filing date and that while changes that result in clarification were allowed, changes in scope were not.

Discussions were concluded with a list of actions suggested to Mr. Hynes:

- respond to "new matter" objection by pointing out support for the cited matter in specific portions of the Specification,
- address 112 rejections cited in the 09 May 2003 Office Action
- consider substituting the narrow words "consisting of" for the broad word "comprising" in the claims in order to narrow the claims
- file the response under CFR 1.113 because this is an "after final" response (this document was pointed out as available from the USPTO website, or from Examiner Pass)

Finally, it was pointed out that the Office Action date was 09 May 2003, therefore the response period for responding without additional fees will end 09 August 2003, and that lack of response within 6 months (09 November 2003), including submission of any appropriate fees, would lead the application to be considered abandoned.

HAROLD F. HYNES

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Atwood, Kansas 67730

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Email- halnor@ruraltel.net

June 9, 2003

To:

Ms. Natalie Pass, Patent Examiner
Organization TC 3600, Bldg./Room CPK5
Fax ~~703-872-9326~~

703-308 3687

Enclosed is the one page list of questions requested by Mr., Thomas for our telephone conference on Thursday at 11 oclock Eastern time.

I hope this is helpful in understanding my needs.

Again, thanks for your good help.

Best Regards,

Hal Hynes
Hal Hynes

To Ms. Natalie Pass and Mr. Joseph Thomas:

Here are some considerations related to the Obviousness rejection of my Patent Application 09/945, 467, followed by a question:

1. That you have not found a similar patent, or use of a similar system by others.
2. That the subject matters of the following patents cited are random or extraneous with my One Page Total Purchasing System. (Avia, 853 F.2d at 1546)
 - A. Weicha gives the purchaser an electronic catalog to select purchases.
 - B. Thomson has vendor sending a two part invoice having a check to be signed and mailed back by the purchaser.
 - C. Josephson sends an installment book for debtor to sign each coupon authorizing bank payment and mailing it back to the creditor.
 - D. Ivanov coordinates independent conclusions of several people on a subject.
 - E. Walker provides a cryptography system used electronically, confined to the text of a message – not the signature.
 - F. Barnes sets up an independent service bureau coordinating buyer and seller, replacing manual forms with individual electronic forms, using electronic catalogs, and charging transaction fees.
3. That the "ordinary skills of the inventors" exhibited were either extraneous or a limited level in this pertinent art of a total purchasing system. (see 37CFR 14©(2))
4. That the circumstances, market and resources available for producing and marketing a long felt needed product, similar to mine, have existed for at least 10- 25 years and were available to the above inventors during that period. (see the Supreme Court in *Graham v. John Deere Co.*)
5. That the 29 benefits listed in my application would produce very substantial savings of time, avoidance of errors, and sizeable reduction of costs for users of the one page system, which could be in the billions of dollars, with exciting benefits for the earlier inventor. (see *Oracle Takes Aim*, 6/5/01 Reuters). ← ?
6. That there were no apparent impediments to someone introducing the system during this 10-25 year period, such as no capacity to produce, legal restrictions, resources unavailable, environmental problems, lack of capital or excessive costs and prices. (The Supreme Court in *Graham V. John Deere*)

Do you think that perhaps you didn't give sufficient consideration to PTO's 19 examples of obviousness requirements, including those reported above, and how these ordinary skills would be combined, with some recognized failures?

With my responses ready to resolve the questions of new matter, how can I expediently reintroduce the installation of the charts as Specifications, with figures numbered, recorded as received by you on March 27, 2003?

How can I introduce simple changes in words and phrases to correct claims objections for lack of antecedents, etc, without creating questions of newness.

How can I best get my application approved? I need your help..

Thanks
Hal Hynes